

## **REMARKS**

In the Final Action dated May 15, 2003, claims 20-27, 35-40 and 42-56 are pending and under consideration. Claims 43-48 are allowable. Claims 20-27, 35-38 and 49-56 are rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking enabling support. Claims 20-27, 39-40, 42 and 49-56 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

In an effort to favorably advance the prosecution of the present application, Applicants have canceled claims 20-27, 35-39 and 48-56 without prejudice. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuation application.

In light of cancellation of claims 20-27, 35-38 and 49-56, the rejection thereof under 35 U.S.C. §112, first paragraph, is rendered moot. Withdrawal of the rejection is therefore respectfully requested.

With respect to the rejection under 35 U.S.C. §112, second paragraph, the rejection, insofar it concerns claims 20-27 and claims 49-56, is rendered moot in view of cancellation of these claims.

Regarding claims 39, 40 and 42, the Examiner contends that the hybridization conditions recited in claim 39 are vague and indefinite. However, the Examiner indicates that the conditions recited in claims 42 and 56 are considered to be high stringency conditions and are supported by the specification. Claims 40 and 42 are rejected insofar as they depend on claim 39.

In an effort to favorably advance the prosecution of the present application, Applicants have amended claim 42 to be an independent claim and have incorporated certain delineations of claim 39 into claim 42. During a telephone interview with Examiner Hamud on June 19, 2003, Examiner Hamud indicated to Applicants' representative that such amendment to

claim 42 would be favorably considered. Claim 40 has been amended to depend on claim 42, and claim 39 has been canceled. As such, the rejection of claims 39, 40 and 42 under 35 U.S.C. §112, second paragraph, is overcome. Withdrawal of the rejection is therefore respectfully requested.

Applicants have also added claim 57, which is written in the same language as claim 42, except that the specified nucleotide sequence is SEQ ID NO: 24. Support for claim 57 is found in previously presented claims 54 and 56. Therefore, claim 57 does not introduce new matter or require a new search.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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